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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,502	03/10/2004	Avital Barak	Barak=5	6392

7590 09/28/2005
BROWDY AND NEIMARK
624 NINTH STREET, N.W.
WASHINGTON, DC 20001

EXAMINER

LAVINDER, JACK W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,502

Applicant(s)

BARAK, AVITAL

Examiner

Jack W. Lavinder

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/14/04, 06/02/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-19, and 22-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by Smith, 328350.

Regarding claims 14-17, 24, Smith discloses a flexible pouch for holding a jewel, i.e., submarine rock, albeit a very large jewel, comprising a metal mesh (a-d) dimensioned to hold the jewel/rock with a top opening and a plurality of apertures, and a mesh carrying arrangement (B, C) slidably attached to the mesh, via a clasp (A), along the top opening of the mesh via the top links/slider rings of each of the chains (a-d).

Regarding claim 18, Smith's mesh carrying arrangement is capable of being attached, via hook (E) or clasp (A), to a necklace, bracelet, anklet, or ear engaging arrangement.

Regarding claim 19, Smith discloses chain strands (a-d) joined to each other via rings a'-d'.

Regarding claim 22, Smith discloses apertures, i.e., spaces formed between the chains, which are essentially the same size.

Regarding claim 23, Smith discloses chain strands (a-d) that are essentially equal in length.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Emeric, 403928 in view of Schoch, 689232 and Tully, 672499.

Regarding claims 14, 19, 20, and 23, Emeric discloses a mesh bag capable of being used as a jewel pouch comprising a mesh formed by a plurality of essentially equal in length strands connected together to form a plurality of apertures (figure 1), a mesh carrying arrangement (EE), and a bottom circular clamp (see figs 1 and 2). Emeric doesn't disclose the mesh being made of metal or a bottom circular ring.

Schoch discloses a bag made from a metal mesh of interconnected chain segments (figure 1) to improve the unique appearance, strength and durability of the bag (lines 15-25).

It would have been obvious to modify Emeric's bag to be made from a metal mesh as opposed to the knitted material to improve the unique appearance, strength and durability of the bag.

Emeric discloses a bottom circular clamp but fails to disclose a bottom circular ring forming the bottom of the bag. Tully discloses using a bottom ring to form the bottom of a bag (1, figure 1).

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It would have been obvious to make Emeric's bottom disk into a bottom ring in order to same on material costs, i.e., a ring uses less material than the disk.

Regarding claim 15, Emeric discloses slider rings (b).

Regarding claim 16, Emeric discloses a clasping means (a).

Regarding claim 17, Emeric discloses a clasping means (a) engaged with at least two of the slider rings (b).

Regarding claim 18, Emeric discloses a mesh carrying arrangement capable of being attached to a necklace, bracelet or anklet.

Regarding claim 21, Schoch discloses metal strands extending below the mesh as a fringe (figure 1).

Regarding claim 22, Emeric discloses a plurality of apertures essentially the same size.

Allowable Subject Matter


5. Claims 25-32 have been allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W. Lavinder
Primary Examiner
Art Unit 3677

9/26/05